

DETAILED ACTION

Election/Restrictions

1. The reply filed on 11/2/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant elected the Species of Figure 6B in the reply filed on 11/02/2009. However claims 1 and 8, and all claims dependent thereon, recite, “ wherein the new defect management area has a size including at least a first detected defect, a second detected defect and the physical addresses between the first and second detected defect,” which is drawn to the Species of Figure 5D. Therefore, none of the claims 1-8 and 10-19 read of the elected species of Figure 6B. Applicant is required to elect a species that has at least one independent claim that reads on the elected species. Applicant may amend at least one independent claim to read upon the elected species.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Claims 1-8 and 10-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, see figure 5D and the discussion of said figure as provided in pages 3-4 of the Applicant’s specification, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/2/2009.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627